

REMARKS

Applicant has reviewed the Office Action mailed June 19, 2006, and offers the following remarks.

Status of the Claims

Claims 1-35 are currently pending.

Rejection Under 35 U.S.C. § 103(a) - Bohnert and Ashton

Claims 1-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,797,470 to Bohnert (hereinafter “Bohnert”) in view of U.S. Patent Application Publication No. 2004/0012537 to Ashton (hereinafter “Ashton”). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must establish *prima facie* obviousness by showing where each and every element is taught or suggested in the combined references. MPEP § 2143.03. Second, the Patent Office must state a motivation to combine the references. The motivation must be supported with actual evidence which cannot come from Applicant’s disclosure. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

The Patent Office has failed to show where all elements of the claims are shown in the combination of references. Accordingly, the Patent Office fails the first prong of the test for *prima facie* obviousness. Further, the Patent Office cites a motivation to combine the references that fails to properly consider the claimed subject matter. Therefore, the Patent Office also fails the second prong of the test for *prima facie* obviousness by failing to state a proper motivation to combine the references.

Prior to addressing the merits of the rejection, Applicant offers the following summary of the present invention. A fuel dispensing system provides encryption of an account number and encryption of a PIN number received from a customer at a fuel dispenser. A security module decrypts the account number and PIN and re-encrypts the account number and the PIN with a separate network encryption key prior to sending the account number to an authorization network. (See Application, ¶ 0034).

As discussed in Applicant’s Response to the Office Action mailed September 13, 2005 and filed on December 5, 2005 as well as in the Response to the Final Office Action mailed February 27, 2006 and filed on April 24, 2006, Bohnert teaches a system that only encrypts a

personal identification number (PIN) number and sends it to an off-site terminal for transaction processing without decrypting or re-encrypting the PIN. (See Bohnert, col. 6, ll. 60-64 and col. 9, ll. 14-16). No encryption of the account number is taught or suggested. The Patent Office has previously accepted this position. The Patent Office now combines Ashton with Bohnert to form an obviousness rejection.

Ashton does teach encryption of an account number at a pointing device, such as a mouse. The point device communicates the encrypted account number to a merchant or credit card company over the Internet without decrypting or re-encrypting the account number. (See Ashton, ¶ 0026).

Claim 1 recites that the fuel dispensing system comprises a control system that further comprises a security module. Neither Bohnert nor Ashton includes such a security module as required by claim 1. Bohnert discloses an island transaction terminal 17, a junction box 30, a controller device 24, and a central master terminal 19. (See Bohnert, Figure 4). Ashton discloses a housing 210 for a pointing device 150. (See Ashton, Figures 2, 5A, and 5B). Accordingly, the Patent Office fails to show where all elements of claim 1 are shown in the combination of references. Therefore, the Patent Office has failed to establish a *prima facie* case of obviousness as required under MPEP § 2143.03, and thus claim 1 and its dependent claims are allowable for at least this reason.

Further, claim 1 recites that the security module decrypts the account number received from the card reader. Neither Bohnert nor Ashton decrypts either the PIN or the account number, respectively. Furthermore, because neither reference includes a security module as claimed, neither can possibly teach receiving an account number at a security module from a card reader or a security module that decrypts an account number received from the card reader as required by claim 1. Accordingly, claim 1 and its dependent claims are further allowable for these additional reasons.

Moreover, dependent claims 2-6, 9, and 10 depend either directly or indirectly from claim 1. Accordingly, the rejection of claims 2-6, 9, and 10 should be withdrawn for at least the same reasons. Applicant respectfully submits that claims 1-6, 9, and 10 are in condition for allowance and requests notice of the same at the earliest possible date.

Rejection Under 35 U.S.C. § 103(a) - Bohnert, Ashton, and Johnson

Claims 11, 12, 14-17, and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohnert as modified by Ashton as applied to claim 1, and further in view of U.S. Patent No. 5,384,850 to Johnson et al. (hereinafter “Johnson”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 11 and 12 depend either directly or indirectly from claim 1. As discussed above, the combination of Bohnert and Ashton fails to teach or suggest all the elements and/or limitations of claim 1. Thus, the addition of Johnson still fails in the same regard. Accordingly, the rejection of claims 11 and 12 should be withdrawn. It is not necessary for Applicant to address the additional limitations of claims 11 and 12 with respect to Johnson to overcome this rejection, but Applicant reserves the right to do so in the future if required.

Independent claims 14 and 19 each include similar missing limitations from the prior art to those argued above as patentable in association with independent claim 1. The combination of Bohnert, Ashton, and Johnson still does not teach decrypting an account number at a secure module associated with a site controller. Accordingly, the rejection of claims 14 and 19 should be withdrawn for at least the same reasons argued above in association with claim 1. Further, dependent claims 15-17 and 20-22 depend from claims 14 and 19, respectively. Accordingly, the rejection of claims 15-17 and 20-22 should be withdrawn for at least the same reasons.

Applicant respectfully submits that claims 11, 12, 14-17, and 19-22 are in condition for allowance and requests notice of the same at the earliest possible date.

Rejection Under 35 U.S.C. § 103(a) - Bohnert, Ashton, Johnson, and Coppola

Claims 8, 18, 25, 26, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohnert as modified by Ashton and Johnson as applied to claims 1, 4, and 26, and further in view of U.S. Patent No. 6,360,138 to Coppola et al. (hereinafter “Coppola”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claim 8 depends from claim 1, and claim 18 depends from claim 14. Claims 1 and 14 are clearly allowable over the combination of references cited and argued against above. Accordingly, the rejection of claims 8 and 18 should be withdrawn for at least the same reasons.

Independent claim 25 includes similar missing limitations to those argued above as patentable in association with independent claims 1, 14, and 19. The combination of Bohnert,

Ashton, Johnson, and Coppola still does not teach decrypting an account number at a secure module associated with a site controller, nor does it provide a motivation or suggestion to do so. Accordingly, the rejection of claim 25 should be withdrawn for at least the same reasons argued above in association with claims 1, 14, and 19. Further, dependent claims 26, 28, and 29 depend either directly or indirectly from claim 25. Accordingly, the rejection of claims 26, 28, and 29 should be withdrawn for at least the same reasons.

Applicant respectfully submits that claims 8, 18, 25, 26, 28, and 29 are in condition for allowance and requests notice of the same at the earliest possible date. Applicant need not address Coppola with respect to the added limitations in the rejected claims to overcome this rejection, but reserves the right to do so in the future, if required.

Rejection Under 35 U.S.C. § 103(a) - Bohnert, Ashton, Johnson, and Schneier

Claims 13 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohnert as modified by Ashton and Johnson as applied to claim 1, and further in view of Schneier. Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 13 and 27 depend either directly or indirectly from claims 1 and 25, respectively. Accordingly, the rejection of claims 13 and 27 should be withdrawn for at least the same reasons as those argued above. Applicant respectfully submits that claims 13 and 27 are in condition for allowance and requests notice of the same at the earliest possible date. Applicant need not address Schneier with respect to the added limitations in the rejected claims to overcome this rejection, but reserves the right to do so in the future, if required.

Rejection Under 35 U.S.C. § 103(a) - Bohnert, Ashton, Johnson, and Campbell

Claims 7, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohnert as modified by Ashton and Johnson as applied to claims 1 and 19, and further in view of U.S. Patent No. 4,259,720 to Campbell (hereinafter "Campbell"). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 7, 23, and 24 depend either directly or indirectly from claims 1 or 19. Accordingly, the rejection of claims 7, 23, and 24 should be withdrawn for at least the same reasons as those argued above. Applicant respectfully submits that claims 7, 23, and 24 are in condition for allowance and requests notice of the same at the earliest possible date. Applicant

need not address Campbell with respect to the added limitations in the rejected claims to overcome this rejection, but reserves the right to do so in the future, if required.

Claims Without Arguments from the Patent Office Formalizing a Rejection

Applicant has not been provided with arguments formalizing a rejection of claims 30-35 within the Office Action mailed June 19, 2006. However, claims 30-35 depend either directly or indirectly from claims 1 and 14. Accordingly, the rejection of claims 30-35 should be withdrawn for at least the same reasons as those argued above. Applicant respectfully submits that claims 30-35 are in condition for allowance and requests notice of the same at the earliest possible date.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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